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REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are directed to a judicial exception to 35 U.S.C. §101. The Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 21-22 UNDER 35 U.S.C. §101

The Examiner rejected claims 21-22 under 35 U.S.C. §101 as being allegedly directed to a judicial exception to 35 U.S.C. §101. In response, the Applicants have amended independent claim 21, from which claim 22 depends, in order to more clearly recite aspects of the present invention.

Specifically, the Examiner submits that claim 21 is directed to an abstract idea because "there is [sic] no practical applications claimed, i.e., no physical transformation taken place, nor a useful, concrete and tangible result being produced" (Office Action at Page 2). In response, the Applicants have amended claim 21 to recite a "node configured to communicate over a wireless communications network by executing a protocol stack", replacing "a protocol stack for use by a node to communicate over a wireless communications network". Claim 21 has been further amended to recite that the node comprises "means for detecting signals ...", "means for producing a signal ...", and "means for producing an alternate route of packets ...", replacing "a radio frequency (RF) physical layer" and a "network layer" of a protocol stack. Finally, claim 21 has been amended to recite that the node "sends the packet-switched communications over the wireless communications network using the alternate route" produced by the network layer.

The Applicants submit that claims 21-22, as amended, recite an invention that produces a useful, concrete, and tangible result, as required by 35 U.S.C. §101.

MPEP 2106 states that a "useful" invention is one for which the utility is "(i) specific, (ii) substantial and (iii) credible". In this case, the Applicant submits that the utility of the claimed invention is specific (the transmission of packet-switched communications over a wireless communications network), substantial (aids in the

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reliable transmission of data in the presence of interfering signals), and credible (producing an alternate route for sending packet-switched communications will avoid sources of interfering signals).

A "concrete" result, according to MPEP 2106, is one that is "substantially repeatable". The transmission of packet-switched communications over an alternate route in a wireless communications network is repeatable and predictable.

A "tangible" result, according to MPEP 2106, is one that produces a "real-world result". As stated above, the result of the claimed invention is the reliable transmission of packet-switched communications in the presence of interfering signals. This distribution is clearly an observable, "real-word" result.

Thus, the Applicants submit that claim 21 fully satisfies the requirements of 35 U.S.C. §101. Accordingly, the Applicants respectfully request that the rejection of claims 21-22 be withdrawn.

II. CONCLUSION

Thus, the Applicants submit that none of the presented claims is directed to a judicial exception to 35 U.S.C. §101. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring issuance of an adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

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Respectfully submitted,

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